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Title: Hog farms face new challenge of critics

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Lead:

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Fulton County farmers J.P Amberg and Jim Moss say they are undeterred by the latest legal challenge from a group of residents who oppose hog farms in far western Kentucky.

“This has been going on for 19 or 20 months,” Amberg said. “They do anything and everything they can do to try to stop us from doing this.”

He, Moss and seven other farmers in Fulton, Hickman and Carlisle counties are opposed by 70 people who have asked the Kentucky Environmental and Public Protection Cabinet to revoke permits issued last month. Each farm would have two barns containing nearly 2,500 hogs each and would produce an estimated 16 million gallons of liquid waste per year.

Aided by the Kentucky Resources Council, a Frankfort-based environmental watchdog group, the citizens’ group seeks an administrative hearing. Cabinet spokesman Chuck Wolfe said the state will file a written response within a few weeks.

A hearing officer will handle the appeal and eventually make a recommendation to Environmental and Public Protection Secretary LaJuana Wilcher. Her decision can be challenged in court.

“This is something they said they were doing to do,” Moss said of the group. “They want to make it as difficult on us and as expensive to us as possible.”

Amberg said he will start building roads soon but will wait until the fall soybean harvest before starting to dig concrete manure pits for the barns. He still is going through the long process of getting government-guaranteed loans.

The petition against Amberg contends his farm near Hickman is likely to increase odor and could jeopardize the Bayou de Chien and Mud creeks by applying hog waste for crop fertilizer. Farmers have countered by saying they will inject waste into the soil to guard against runoff and monitor the waste content.

“I would hope they would wait until things are sufficiently resolved before getting into this kind of business and the debt that goes with it,” said petitioner Jenny Varden, whose two row crop farms in the Cayce community are near planned hog operations.

She said the group will eventually seek an injunction to stop the farmers if necessary. Although odor and property devaluation are concerns, the main issue is that various streams in the area are already polluted, and some are deemed by the state to be impaired, Varden said.

Varden said hog farmers now plan to have slightly fewer than 2,500 hogs per barn, which keeps them from having to file for a more rigorous water permit. The cutoff point is 2,500 hogs, Varden said.

Moss said he doesn’t think any of the nine farmers have started building barns, but the petition will not change their plans. Similar permits were issued earlier for hog barns in Carlisle and Marshall counties that are now operating, he said. “I doubt very seriously that the Division of Water is going to change its stance.”

Farmers and opponents have battled for more than year since the citizens’ group filed suit challenging the permit-application process of a Fulton County hog ordinance. Commissioners dropped that ordinance in favor of a tougher one originally drafted by the Resources Council.

Farmers countered with their own suit contending the new ordinance was unfair and too restrictive. They won the case in early July, when their permits were approved.

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